

**Testimony of
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for Terrorism Involving Weapons of Mass Destruction**

**Before the
Subcommittee on National Security, Emerging Threats, and
International Relations
Committee on Government Reform
U.S. House of Representatives**

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Mister Chairman, Ranking Member, and Members of the Subcommittee, I am honored to be here today. I come before you as the Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. Thank you for the opportunity to present the views of the Advisory Panel.

The Advisory Panel was established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105th Congress, 2nd Session) (October 17, 1998). That Act directed the Advisory Panel to accomplish several specific tasks. It said:

The panel shall--

1. assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;
2. assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;
3. assess deficiencies in programs for response to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning requirements, and the needs of maritime regions;

4. recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and
5. assess the appropriate roles of State and local government in funding effective local response capabilities.

That Act required the Advisory Panel to report its findings, conclusions, and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction to the President and the Congress three times during the course of the Advisory Panel's deliberations—on December 15 in 1999, 2000, and 2001.

The Advisory Panel's tenure was extended for two years in accordance with Section 1514 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1358, Public Law 107-107, 107th Congress, First Session), which was signed into law by the President on December 28, 2001. By virtue of that legislation, the panel was required to submit two additional reports—one on December 15 of 2002, and one on December 15 of this year.

Leadership of the Subcommittee

Let me commend this panel, and especially its Chairman, for your continuing leadership in bringing these issues involving homeland security and combating terrorism before the U.S. Congress and the American people.

Advisory Panel Composition

Mr. Chairman, as I usually do on occasions like this, please allow me to pay special tribute to the men and women who serve on our panel.

This Advisory Panel is unique in one very important way. It is not the typical national "blue ribbon" panel, which in most cases historically have been composed almost exclusively of what I will refer to as "Washington Insiders"—people who have spent most of their professional careers inside the Beltway. This panel has a sprinkling of that kind of

experience—a former Member of Congress and Secretary of the Army, a former State Department Ambassador-at-Large for Counterterrorism, a former senior executive from the CIA and the FBI, a former senior member of the Intelligence Community, the former head of a national academy on public health, two retired flag-rank military officers, a former senior executive in a non-governmental charitable organization, and the head of a national law enforcement foundation. But what truly makes this panel special and, therefore, causes its pronouncement to carry significantly more weight, is the contribution from the members of the panel from the rest of the country:

- Three directors of state emergency management agencies, from California, Iowa, and Indiana, two of whom now also serve their Governor's as Homeland Security Advisors
- The deputy director of a state homeland security agency
- A state epidemiologist and director of a state public health agency
- A former city manager of a mid-size city
- The chief of police of a suburban city in a major metropolitan area
- Senior professional and volunteer fire fighters
- A senior emergency medical services officer of a major metropolitan area
- And, of course—in the person of your witness—a former State governor

These are representatives of the true “first responders”—those heroic men and women who put their lives on the line every day for the public health and safety of all Americans.

Moreover, so many of these panel members are also national leaders in their professions: our EMS member is a past president of the national association of emergency medical technicians; one of our emergency managers is the past president of her national association; our law officer now is president of the international association of chiefs of police; our epidemiologist is past president of her professional organization; one of our local firefighters is chair of the terrorism committee of the international association of fire chiefs; the other is chair of the prestigious national Interagency Board for Equipment Standardization and InterOperability.

Read our reports and you will understand what that expertise has meant to the policy recommendations that we have made, especially for the events of last year.

Those attacks continue to carry much poignancy for us, because of the direct loss to the panel. Ray Downey, Department Deputy Chief and chief-in-charge of Special Operations Command, Fire Department of the City of New York, known to this subcommittee and others like it throughout the Congress, perished in the attack on the New York World Trade Center. Although we continue to miss Ray's superb advice, counsel, and dedication to these issues, we trust that Ray knows that we are carrying on in the tradition that he helped us establish.

Our Continuing Mission

Mr. Chairman and Members, this Advisory Panel continues to work hard to develop the best possible policy recommendations for consideration by the President and the Congress. Now, of course, people and organizations are coming out of the woodwork, claiming to be all manner of "experts" in homeland security. At the same time, this panel is toiling away, seeking neither fame nor credit for its work, simply trying to find some rational and feasible solutions to many problems and challenges that still face us.

Observations about Terrorism Preparedness

In the course of our deliberations, the Advisory Panel has been guided by several basic observations and assumptions that have helped to inform our conclusions and policy recommendations for improving our preparedness to combat terrorism.

First, all terrorism is "local," our at least will start locally. That fact has a lot to do, in our view, with the emphasis, the priorities, and the allocation of resources to address requirements. September 11 and the subsequent anthrax attacks were further proof of that basic assumption.

Second, a major attack anywhere inside our borders will likely be beyond the response capabilities of a local jurisdiction, and will, therefore, require outside help—perhaps from other local jurisdictions, from that jurisdiction’s state government or multiple state resources, perhaps from the Federal government, if the attack is significant enough to exhaust other resources. That principle was likewise validated last September.

Given those two factors, our approach to combating terrorism should be from the “bottom up”—with the requirements of State and local response entities foremost in mind.

We note that we have many existing capabilities that we can build on in an “all-hazards” approach, which can include capabilities for combating terrorism.

Our thorough research and deliberations have also led us to observe that there is great apprehension among States and localities that some Federal entity will attempt to come in and take charge of all activities and displace local response efforts and expertise. That was not and likely could not, because of the actual circumstances in New York, have been the case in September. But all events may not unfold in that fashion.

Based on a significant amount of analysis and discussion, we have been of the view that few if any major structural or legal changes are required to improve our collective efforts; and that the “first order” challenges are policy and better organization—not simply more money or new technology.

With respect to Federal efforts, more than two years ago we concluded that, prior to an actual event, no one cabinet department or agency can “supervise” the efforts of other federal departments or agencies. When an event occurs, response will be situational dependent; federal agencies can execute responsibilities within existing authority and expertise, but under established “Lead Federal Agency” coordinating processes.

Support for Panel Activities and Reports

Mr. Chairman, the enabling legislation directed that analytical and other support for the Advisory Panel would be provided by a Federally Funded Research and Development Center. We have been exceptionally fortunate to have that support provided by The RAND Corporation. The breadth and depth of experience at RAND in terrorism and policy issues across a broad spectrum have made possible the panel's success in accomplishing its mandate. Its assessments of federal programs, its case studies and hundreds of interviews across the country and around the world, its seminal work in surveying state and local response entities nationwide, its facilitation of our discussion—leading to near unanimity of members on this broad spectrum of recommendations, its work in drafting reports based on our extensive deliberations, all have combined to make this effort a most effective and meaningful one.

Issues of Interest to the Subcommittee

Mr. Chairman and Members, I intend to outline for the record later in my testimony the key policy recommendations made by the Advisory Panel in each four reports to the President and the Congress.

Before I do that, let me address the specific questions posed by the subcommittee in your letter of invitation. You have asked that I comment on a number of the national strategies promulgated by the Bush Administration in recent months. Given both the nature and the timing of the release of those strategies, the Advisory Panel has only addressed one of those in any detail—*The National Strategy for Homeland Security*, released by the White House last July.

We commented on that *National Strategy* in some detail in our Fourth Report to the President and the Congress, dated December 15, 2002. We made both general comments and also addressed specific issues within each chapter. Here is what we said:

ASSESSING THE NATIONAL STRATEGY FOR HOMELAND SECURITY

The capstone recommendation in our *Second Report* was the need for a comprehensive, coherent, functional national strategy: “The President should develop and present to the Congress a national strategy for combating terrorism within one year of assuming office.” In that report, we described, in considerable detail, our proposed framework for that strategy.

In July of 2003, the President approved for release the first *National Strategy for Homeland Security*.¹ To lay the groundwork for most of the recommendations in the chapter of our fourth report entitled “Organizing the National Effort,” we start with a commentary on that *National Strategy* from the panel’s perspective, for the most part tracking the subject headings of the chapters on “critical mission areas” in that document.

General Comments

We applaud the President and his staff for publishing this comprehensive vision to serve as the framework for the entire national effort. It is a foundation document and an important first step. It should not—indeed it cannot—be seen as being all of the answers to the challenges that we face. It will require periodic updates: we suggest annually. It will require detailed implementation plans; some are already being developed.

It contains well-crafted “vision” statements of where we should be headed as a nation. It acknowledges—as we have said before that any comprehensive strategy must—that there are significant international implications for “domestic” efforts.

It recognizes that this strategic approach must be a truly *national*, not just a Federal approach:

. . . based on the principles of shared responsibility and partnership with the Congress, state and local governments, the private sector, and the American people. The National Strategy for Homeland Security belongs and applies to the Nation as a whole, not just

¹ *National Strategy for Homeland Security*, available at <http://www.whitehouse.gov/homeland/book/index.html>, last accessed December 5, 2002, hereinafter the “*National Strategy*.”

to the President's proposed Department of Homeland Security or the federal government.

It contains—importantly—definitions of both *homeland security* and *terrorism*:

Homeland security is a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.

The National Strategy for Homeland Security characterizes terrorism as any premeditated, unlawful act dangerous to human life or public welfare that is intended to intimidate or coerce civilian populations or governments.

It contains language about the importance of measures of performance but does not articulate what those measures should be. Importantly, in our view—being consistent with our expressions since our *First Report*—it eliminates the arbitrary, artificial, and confusing distinction between so-called “crisis management” and “consequence management” activities.

It recognizes the importance of creating a national incident management system with an “all-hazards” approach—one that combines preparedness and response for natural disasters, accidents, and intentionally perpetrated attacks.

Definitional Issues

Despite a commendable attempt to reduce confusion by articulating certain definitions, it does not fully accomplish the task. The *National Strategy* uses CBRN or CBRNE and Weapons of Mass Destruction or WMD seemingly interchangeably.

It uses different terms apparently to describe the same function or category: “health,” “public health,” “medical,” “medical care.” And it is unclear whether “emergency medical providers” does or does not include emergency medical technicians. It uses other terms interchangeably with not clear delineation or distinction: “anti-terrorism,” “counterterrorism,” and “combating terrorism.” And it is not clear whether “enemies” and “terrorists” are synonymous.

“Threat and Vulnerability” Chapter

This chapter of the *National Strategy* appropriately recognizes that the nature of our society—our “American way of life—makes us inherently vulnerable to terrorist attacks. It also acknowledges the imperatives not only of safeguarding our security and economy but also our culture, our civil liberties, democracy itself.

It appropriately, in our view, disaggregates chemical, biological, radiological, nuclear, conventional, and cyber attacks. But it suggests that chemical and biological weapons, generically, are “easy to manufacture,” using “basic equipment.” We have noted, in our threat assessments, including the one in the Fourth Report, that such broad categorizations are unfortunate. Many of the more sophisticated chemical and biological weapons, especially those that could cause fatalities in the thousands or tens of thousands are very difficult to produce, maintain, and deliver.

It appropriately recognizes the potential damage that could result from an attack on U.S. agriculture.

“Organizing for a Secure Homeland” Chapter

This chapter of the *National Strategy* recognizes and explains the interconnected and interdependent roles of the Federal government, States and localities, the private sector, and the American people in a united national effort. It stresses the “vital need for cooperation between the Federal government and State and local governments . . . horizontally (within each level of government) and vertically (among various levels of government).”

In a move that we strongly endorse, it announces the intention to retain the White House Office of Homeland Security, even after the formation of the new Department of Homeland Security, with authority “to certify that the budgets of . . . executive branch departments will enable them to carry out their homeland security responsibilities.”

It appropriately notes that the Department of Defense has important roles in homeland security, both for “homeland defense”—“military missions such as combat air patrols or maritime defense” in which the Department would “take the lead in defending the people and territory of our country—as well as “military support to civil authorities”—where the Department supports other agencies in responding to attacks, natural disasters, or “other catastrophes.”

It appropriately, we believe, calls on the Governors of the several States “to establish a single Homeland Security Task Force (HSTF) for the state, to serve as his or her primary coordinating body with the federal government,” but unfortunately does not offer to do the same in return. (We address this issue directly later in the Fourth Report, as you will see in my testimony below.)

“Intelligence and Warning” Chapter

This chapter correctly notes that appropriate assessments—both “tactical” and strategic”—of terrorist threats must precede any realistic assessment of our vulnerability. We are arguably infinitely vulnerable. Only when we can realistically determine what threats exist that would seek to exploit particular vulnerabilities will we be in position to take preventive and defensive steps and other appropriate responses.

Unfortunately, the *Strategy* does not suggest what products of the tactical or strategic (especially strategic) assessments will be produced or how and to whom such products will be disseminated.

We address, in considerable detail, the issues of intelligence collection, analysis, and dissemination and make specific policy recommendations with respect thereto in our Fourth Report, which are outlined later in this testimony.

“Border and Transportation Security” Chapter

That chapter clearly and appropriately sets forth important initiatives for improving security at our borders and in our transportation systems. It notes the potential for using biometrics for improved identification, the criticality of deploying a border “entry-exit” system for foreign visitors, for increasing security with respect to commercial cargo entering the United States, for implementing “unified, national standards” for transportation security, for providing additional resources for the U.S. Coast Guard, and for improving visa processes.

On the latter issue, it suggests that the new Department of Homeland Security will “control the issuance of visas to foreigners” but provides no detail on how that will be accomplished.

“Domestic Counterterrorism” Chapter

Near the beginning of that chapter of the *National Strategy* is an explicit statement:

The U.S. government has not yet developed a satisfactory system to analyze information in order to predict and assess the threat of a terrorist attack within the United States.

We fully concur and offer a specific recommendation in our Fourth Report directed at helping to solve that problem.

While discussing several tactical and operational approaches to address the challenges in this arena, this chapter does not, in our view, address some of the more strategic issues, such as the important relationship between the Department of Justice and the Department of Homeland Security and the critical role that State and local law enforcement have in this area. It also does nothing to address the proliferation of interagency and intergovernmental mechanisms, which seem not to be part of any overall design. We address that issue below, as well.

“Protecting Critical Infrastructures and Key Assets” Chapter

We applaud the policy decision, articulated in this chapter, to “unify the responsibility for coordinating cyber and physical infrastructure protection efforts” into the new DHS, especially for providing a single point of contact on such issues for States, localities, and the private sector.

The chapter also notes the intention to create a national infrastructure protection plan—a laudable goal—as well as the recognition of the international interdependencies of many critical infrastructures, especially in the transportation and cyber realms.

We also note with approval the careful articulation of Lead Agency responsibilities for critical infrastructure protection. We believe that that model should be applied to other functional areas for combating terrorisms and cite specific instances of that in other parts of our Forth Report.

“Defending Against Catastrophic Threats” Chapter

We concur in the initiatives in this chapter for specific improvements in sensors and other detection and health surveillance capabilities. Those initiatives are fully consistent with specific recommendations contained in earlier reports of our panel.

The chapter acknowledges the need for improvements in laboratory capabilities but does not articulate specific proposals to address that issue. We do so, along with other policy recommendations, in our health and medical chapter later in this report.

“Emergency Preparedness and Response” Chapter

We concur strongly in the views expressed in the chapter on the different, separate response plans. We agree (as we have consistently expressed) that such plans should be merged. That chapter calls that proposed plan the “Federal Incident Management Plan.” We suggest that the better title would be *National Incident Response Plan*, which by its name would recognize the important role of

States, localities, and the private sector. The accompanying proposal to establish a national incident management system certainly recognizes that, and the name of the plan should as well.

We wholeheartedly endorse the intention to develop a “national emergency communications plan” designed to establish “protocols, processes, and national standards for technology acquisition.” We have previously recommended such a process for all emergency response equipment and systems. It is especially critical in the area of communications.

We also applaud the emphasis in that chapter of the *National Strategy* of improving both coordination with and the capabilities of the public health sector. We have previously made recommendations in this area, and make additional ones in our Fourth Report, in our chapter on health and medical issues.

On the issue of military support to civil authorities, the parameters of which are outlined in this chapter of the *Strategy*, we devote a considerable amount in our Fourth Report, with several specific policy recommendations, outlined later.

THE NATIONAL STRATEGY FOR COMBATING TERRORISM

Mr. Chairman, the Advisory Panel has not had an opportunity to discuss and comment on this *Strategy*, given the fact that it was only released a few days ago. We will, however, undertake to do that in our next report to the President and the Congress, due later this year.

Our Reports

In our first three reports, the advisory panel has, through its assessments and recommendations, laid a firm foundation for actions that must be taken across a broad spectrum of threats in a number of strategic and functional contexts to address this problem more effectively.

First Report—Assessing the Threat

The Advisory Panel produced a comprehensive assessment in its first report of the terrorist threat inside our borders, with a focus on chemical, biological, radiological, and nuclear (CBRN) weapons.

The very thorough analysis in that report can be summarized:

The Panel concludes that the Nation must be prepared for the entire spectrum of potential terrorist threats – both the unprecedented higher-consequence attack, as well as the historically more frequent, lesser-consequence terrorist attack, which the Panel believes is more likely in the near term. Conventional explosives, traditionally a favorite tool of the terrorist, will likely remain the terrorist weapon of choice in the near term as well. Whether smaller-scale CBRN or conventional, any such lower-consequence event—at least in terms of casualties or destruction—could, nevertheless, accomplish one or more terrorist objectives: exhausting response capabilities, instilling fear, undermining government credibility, or provoking an overreaction by the government. With that in mind, the Panel’s report urges a more balanced approach, so that not only higher-consequence scenarios will be considered, but that increasing attention must now also be paid to the historically more frequent, more probable, lesser-consequence attack, especially in terms of policy implications for budget priorities or the allocation of other resources, to optimize local response capabilities. A singular focus on preparing for an event potentially affecting thousands or tens of thousands may result in a smaller, but nevertheless lethal attack involving dozens failing to receive an appropriate response in the first critical minutes and hours.

While noting that the technology currently exists that would allow terrorists to produce one of several lethal CBRN weapons, the report also describes the current difficulties in acquiring or developing and in maintaining, handling, testing, transporting, and delivering a device that truly has the capability to cause “mass casualties.”

Second Report—Toward a National Strategy for Combating Terrorism

By the second year, the Advisory Panel shifted its emphasis to specific policy recommendations for the Executive and the Congress and a broad programmatic assessment and functional recommendations for consideration in developing an effective national strategy.

The capstone recommendation in the second report was the need for a comprehensive, coherent, functional national strategy: ***The President should develop and present to the Congress a***

national strategy for combating terrorism within one year of assuming office. As part of that recommendation, the panel identified the essential characteristics for a national strategy:

- It must be truly *national* in scope, not just Federal.
- It must be comprehensive, encompassing the full spectrum of *deterrence, prevention, preparedness, and response* against domestic and international threats.
- For domestic programs, it must be *responsive to* requirements from and fully *coordinated with state and local officials* as partners throughout the development and implementation process.
- It should be *built on existing emergency response systems*.
- It must *include all key functional domains*—intelligence, law enforcement, fire services, emergency medical services, public health, medical care providers, emergency management, and the military.
- It must be *fully resourced* and based on *measurable performance*.

Of course, the Panel recognizes that in light of September 11, 2001 this objective has been difficult to achieve. However, the principles contained within this strategy and their requirements remain the same.

The Second Annual Report included a discussion of more effective Federal structures to address the national efforts to combat terrorism. We determined that the solutions offered by others who have studied the problem provided only partial answers. The Advisory Panel attempted to craft recommendations to address the full spectrum of issues. Therefore, we submitted the following recommendation: ***The President should establish a senior level coordination entity in the Executive Office of the President.*** The characteristics of the office identified in that recommendation included:

- Director appointed by the President, by and with the advice and consent of the Senate, at “cabinet-level” rank
- Located in the Executive Office of the President
- Authority to exercise certain program and budget controls over those agencies with responsibilities for combating terrorism
- Responsibility for intelligence coordination and analysis
- Tasking for strategy formulation and implementation
- Responsibility for reviewing State and local plans and to serve as an information clearinghouse
- An interdisciplinary Advisory Board to assist in strategy development
- Multidisciplinary staff (including Federal, State, and local expertise)
- No operational control

We included a thorough explanation of each characteristic in our Second Annual Report. For instance, we determined that this office should have the authority to direct the creation, modification, or cessation of programs within the Federal Interagency, and that it have authority to direct modifications to agency budgets and the application of resources. We also recommended that the new entity have authority to review State and geographical area strategic plans and, at the request of State entities, to review local plans or programs for combating terrorism for consistency with the national strategy.

Although not completely structured around our recommendations, the model for the creation of the Office of Homeland Security came from this recommendation.

To complement our recommendations for the federal executive structure, we also included the following recommendation for the Congress: ***The Congress should establish a Special Committee for Combating Terrorism—either a joint committee between the Houses or separate committees in each House—to address authority and funding, and to provide congressional oversight, for Federal programs and authority for combating terrorism.*** The philosophy behind this recommendation is much the same as it is for the creation of the office in the Executive Office of the President. There needs to be a focal point in the Congress for the Administration to present its strategy and supporting plans, programs, and budgets, as well as a legislative “clearinghouse” where relevant measures are considered. We recognize that Congress is still in the process of working towards this objective.

In conjunction with these structural recommendations, the Advisory Panel made a number of recommendations addressing functional requirements for the implementation of an effective strategy for combating terrorism. The recommendation listed below are discussed thoroughly in the Second Annual Report:

Enhance Intelligence/Threat Assessments/Information Sharing

- Improve human intelligence by the rescission of that portion of the 1995 guidelines, promulgated by the Director of Central Intelligence, which prohibits the engagement of certain foreign intelligence informants who may have previously been involved in human rights violations
- Improve Measurement and Signature Intelligence (MASINT) through an expansion in research, development, test, and evaluation (RDT&E) of reliable sensors and rapid readout capability and the subsequent fielding of a new generation of MASINT technology based on enhanced RDT&E efforts
- Review statutory and regulatory authorities in an effort to strengthen investigative and enforcement processes
- Improve forensics capabilities to identify and warn of terrorist use of unconventional weapons
- Expand information sharing and improve threat assessments

Foster Better Planning/Coordination/Operations

- Designate the senior emergency management entity in each State as the *focal point* for that State for coordination with the Federal government for preparedness for terrorism
- Improve collective planning among Federal, State, and local entities
- Enhance coordination of programs and activities
- Improve operational command and control of domestic responses
- The President should always designate a Federal civilian agency other than the Department of Defense (DoD) as the Lead Federal Agency

Enhance Training, Equipping, and Exercising

- Improve training through better coordination with State and local jurisdictions
- Make exercise programs more realistic and responsive

Improve Health and Medical Capabilities

- Establish a national advisory board composed of Federal, State, and local public health officials and representatives of public and private medical care providers as an adjunct to the new office, to ensure that such issues are an important part of the national strategy
- Improve health and medical education and training programs through actions that include licensing and certification requirements
- Establish standards and protocols for treatment facilities, laboratories, and reporting mechanisms
- Clarify authorities and procedures for health and medical response
- Medical entities, such as the Joint Commission on Accreditation of Healthcare Organizations, should conduct periodic assessments of medical facilities and capabilities

Promote Better Research and Development and Create National Standards

- That the new office, in coordination with the Office of Science and Technology Policy, develop a comprehensive plan for RDT&E, as a major component of the national strategy
- That the new office, in coordination with the National Institute for Standards and Technology (NIST) and the National Institute for Occupational Safety and Health (NIOSH) establish a national standards program for combating terrorism, focusing on equipment, training, and laboratory processes

Third Report—For Ray Downey

Our Third Annual Report to the President and the Congress builds on findings and recommendations in our First and Second Annual Reports delivered in 1999 and 2000. It reflects a national strategic perspective that encompasses the needs of all three levels of government and the private sector. It seeks to assist those who are dedicated to making our homeland more secure. Our recommendations fall into five categories:

- ✓ *Empowering State and Local Response* by ensuring the men and women on the front line of the war against terrorism inside our borders have the tools and resources needed to counter the murderous actions of terrorists;
- ✓ *Enhancing Health and Medical Capacities*, both public and private, to help ensure our collective ability to identify attacks quickly and correctly, and to treat the full scope of potential casualties from all forms of terrorist attacks;
- ✓ *Strengthening Immigration and Border Controls* to enhance our ability to restrict the movement into this country, by all modes of transportation, of potential terrorists and their weapons and to limit severely their ability to operate within our borders;
- ✓ *Improving Security Against Cyber Attacks* and enhancing related critical infrastructure protection to guard essential government, financial, energy, and other critical sector operations against attack; and
- ✓ *Clarifying the Roles and Missions for Use of the Military* for providing critical and appropriate emergency response and law enforcement related support to civilian authorities.

Mister Chairmen, I should note that the substance of all of the recommendations contained in the third report were approved by the panel at its regular meeting held on August 27 and 28, 2001—Tuesday the 28th being exactly two weeks prior to the attacks of September 11. Although we thoroughly reviewed those recommendations subsequently, the panel unanimously agreed that all were valid and required no supplementation prior to publication.

The recommendations contained in that report, listed below in summary form, are discussed in detail in the body of the report, and further supported by material in the report appendices, especially

the information from the nationwide survey of State and local responders covering an array of preparedness and response issues.

State and Local Response Capabilities

- Increase and accelerate the sharing of terrorism-related intelligence and threat assessments
- Design training and equipment programs for all-hazards preparedness
- Redesign Federal training and equipment grant programs to include sustainment components
- Increase funding to States and localities for combating terrorism
- Consolidate Federal grant program information and application procedures
- Design Federal preparedness programs to ensure first responder participation, especially volunteers
- Establish an information clearinghouse on Federal programs, assets, and agencies
- Configure Federal military response assets to support and reinforce existing structures and systems

Health and Medical Capabilities

- Implement the AMA Recommendations on Medical Preparedness for Terrorism
- Implement the JCAHO Revised Emergency Standards
- Fully resource the CDC Biological and Chemical Terrorism Strategic Plan
- Fully resource the CDC Laboratory Response Network for Bioterrorism
- Fully resource the CDC Secure and Rapid Communications Networks
- Develop standard medical response models for Federal, State, and local levels
- Reestablish a pre-hospital Emergency Medical Service Program Office
- Revise current EMT and PNST training and refresher curricula
- Increase Federal resources for exercises for State and local health and medical entities
- Establish a government-owned, contractor-operated national vaccine and therapeutics facility
- Review and recommend changes to plans for vaccine stockpiles and critical supplies
- Develop a comprehensive plan for research on terrorism-related health and medical issues
- Review MMRS and NDMS authorities, structures, and capabilities
- Develop an education plan on the legal and procedural issues for health and medical response to terrorism
- Develop on-going public education programs on terrorism causes and effects

Immigration and Border Control

- Create an intergovernmental border advisory group
- Fully integrate all affected entities into local or regional “port security committees”
- Ensure that all border agencies are partners in intelligence collection, analysis, and dissemination
- Create, provide resources for, and mandate participation in a “Border Security Awareness” database system
- Require shippers to submit cargo manifest information simultaneously with shipments transiting U.S. borders
- Establish “Trusted Shipper” programs
- Expand Coast Guard search authority to include U.S. owned—not just “flagged”—vessels
- Expand and consolidate research, development, and integration of sensor, detection, and warning systems
- Increase resources for the U.S. Coast Guard for homeland security missions

- Negotiate more comprehensive treaties and agreements for combating terrorism with Canada and Mexico

Cyber Security

- Include private and State and local representatives on the interagency critical infrastructure advisory panel
- Create a commission to assess and make recommendations on programs for cyber security
- Establish a government funded, not-for-profit entity for cyber detection, alert, and warning functions
- Convene a “summit” to address Federal statutory changes that would enhance cyber assurance
- Create a special “Cyber Court” patterned after the court established in FISA
- Develop and implement a comprehensive plan for cyber security research, development, test, and evaluation

Use of the Military

- Establish a homeland security under secretary position in the Department of Defense
- Establish a single unified command and control structure to execute all military support to civil authorities
- Develop detailed plans for the use of the military domestically across the spectrum of potential activities
- Expand training and exercises in relevant military units and with Federal, State, and local responders
- Direct new mission areas for the National Guard to provide support to civil authorities
- Publish a compendium of statutory authorities for using the military domestically to combat terrorism
- Improve the military full-time liaison elements in the ten Federal Emergency Management Agency region

Fourth Report—Implementing the National Strategy

Mr. Chairman and Members, as I mentioned earlier, the Advisory Panel release its fourth report to the President and the Congress on December 15, 2002. In addition to the comments in that report on the *National Strategy for Homeland Security* discussed earlier, the panel made 59 new policy recommendations in five key areas. I will summarize the rationale for each of those recommendations for the record

Organizing the National Effort

The new threat environment requires the consolidation in one entity of the fusion and analysis of foreign-collected and domestically-collected intelligence and information on international terrorists and terrorist organizations threatening attacks against the United States. ***We recommend that the President direct the establishment of a National Counter Terrorism Center (NCTC).***

The FBI's long standing law enforcement tradition and organizational culture persuade us that, even with the best of intentions, the FBI cannot soon be transformed into an organization dedicated to detecting and preventing terrorist attacks. It is also important to separate the intelligence collection function from the law enforcement function to avoid the impression that the U.S. is establishing a kind of "secret police." ***We recommend that the collection of intelligence and other information on international terrorist activities inside the United States, including the authorities, responsibilities and safeguards under the Foreign Intelligence Surveillance Act (FISA), which are currently in the FBI, be transferred to the NCTC.***

Focused and effective Congressional oversight of the domestic collection and analysis functions is required. Currently, the oversight of the FBI's FISA and other domestic intelligence activities is split between the Judiciary and Intelligence committees in each House of Congress. ***We recommend that the Congress ensure that oversight of the NCTC be concentrated in the intelligence committee in each House.***

The *National Strategy for Homeland Security* designates various lead or co-lead agencies to perform both strategic and tactical analysis and vulnerability assessments. There is no indication that strategic assessments of threats inside the U.S. will receive dissemination to State and local agencies. ***We recommend that the President direct that the NCTC produce continuing, comprehensive***

“strategic” assessments of threats inside the United States, to be provided to policymakers at all levels, to help ensure appropriate planning and allocation of preparedness and response resources.

It appears that the new DHS will have no authority for intelligence collection, limited capability for intelligence analysis, but significant responsibility for threat warnings. *We recommend that the Congress and the President ensure that the DHS has the authority to levy direct intelligence requirements on the Intelligence Community for the collection or additional analysis of intelligence of potential threats inside the United States to aid in the execution of its specific responsibilities in the area of critical infrastructure protection vulnerability assessments. We further recommend that the Congress and the President ensure that the DHS has robust capability for combining threat information generated by the Intelligence Community and the NCTC with vulnerability information the Department generates in cooperation with the private sector to provide comprehensive and continuing assessments on potential risks to U.S. critical infrastructure.*

The *National Strategy for Homeland Security* does not provide any clarity about the extent to which DHS will be “in charge” of executing a response during or after an attack on some CIP sector; nor does it specify which Federal agency is in charge for the Federal sector for other types of attacks. *We recommend that the President and the Congress clearly define the responsibilities of DHS and other Federal entities before, during, and after an attack has occurred, especially any authority for directing the activities of other Federal agencies.*

The question of who is in charge is especially problematic when it comes to a bioterrorism attack. No one in the Federal structure can currently identify who is or, even after DHS is formed, will be in charge in the event of a biological attack. *We recommend that the President specifically designate the DHS as the Lead Federal Agency for response to a bioterrorism attack, and specify its responsibilities and authority before, during, and after an attack; and designate the DHHS as the*

Principal Supporting Agency to DHS to provide technical support and provide the interface with State and local public health entities and related private sector organizations.

There are numerous Federal interagency coordination structures and several combined Federal/State/local structures. The proliferation of such mechanisms will likely cause unnecessary duplication of effort. ***We recommend that the Assistant to the President for Homeland Security review and recommend to the President, and that the President direct, a restructuring of interagency mechanisms to ensure better coordination within the Federal government, and with States, localities, and the private sector, to avoid confusion and to reduce unnecessary expenditure of limited resources at all levels.***

The creation of DHS and the implementation of the *National Strategy* raise several legal and regulatory issues, not the least of which are quarantine, isolation, mandatory vaccinations, and other prescriptive measures. ***We recommend that the President direct the Attorney General to conduct a thorough review of applicable laws and regulations and recommend legislative changes before the opening of the next Congress.***

The Congress is still not well organized to address issues involving homeland security in a cohesive way. Jurisdiction for various aspects of this issue continues to be scattered over dozens of committees and subcommittees. ***We therefore restate our prior recommendation with a modification that each House of the Congress establish a separate authorizing committee and related appropriation subcommittee with jurisdiction over Federal programs and authority for Combating Terrorism/Homeland Security.***

Improving Health and Medical Capabilities

Officials in public health have indicated that it will take at least a five-year commitment from DHHS, at approximately \$1 billion per year, to have a material impact on States and local government

preparedness to respond to bioterrorist events. ***We recommend that DHHS continue to provide financial support on the order of \$1 billion per year over the next five years to strengthen the public health system in the United States.***

The centralization and simplification of grants processes for public health and medical funds is essential to eliminate confusion and unnecessary redundancies. ***We recommend that DHS coordinate and centralize the access to information regarding funding from various agencies such as DHHS (including CDC), EPA, USDA, and others and simplify the application process.***

There is currently no framework in place for monitoring the States' progress in meeting the objectives of the bioterrorism preparedness cooperative agreements program and for evaluating States' performance with respect to various outcomes. Moreover, there is a general lack of understanding on the part of representatives from State and local governments on precisely what they will be held accountable for and how their programs will be evaluated. ***We recommend that DHHS, in consultation with State, local, and private sector stakeholders, establish and implement a formal process for evaluating the effectiveness of investment in State, local, and private preparedness for responses to terrorist attacks, especially bioterrorism.***

There are not yet widely agreed upon metrics by which to assess levels of preparedness among the medical and public health workforce. Without baseline data, it is impossible to quantify the gap between the current workforce and a workforce "prepared" to address these issues. ***We recommend that DHHS fund studies aimed at modeling the size and scope of the healthcare and public health workforce needed to respond to a range of public health emergencies and day-to-day public health issues.***

Federal officials requested almost \$600 million to improve hospital preparedness for FY03. This level of funding is not sufficient to prepare the nation's 5,000 hospitals to handle mass casualty

events, mainly because hospitals, like public health agencies, have responded to fiscal pressures by cutting back on staff and other resources and otherwise reducing “excess capacity.” ***We recommend that DHHS conduct a comprehensive assessment of the resources required by the nation’s hospital system to respond to terrorism, and recommend appropriate Federal-State-Local-Private funding strategies.***

The CDC needs to provide assistance in coordinating and connecting some of its own laboratory and disease surveillance information systems initiatives. These information systems should be connected to provide circular information flow. ***We recommend that DHHS continue to strengthen the Health Alert Network and other secure and rapid communications systems, as well as public health information systems that generate surveillance, epidemiologic and laboratory information.***

Exercises are critical to ensure adequate training, to measure readiness, and to improve coordination. Resources directed to State and local entities to conduct these exercises have been limited and incentives for cross discipline coordination require strengthening. ***We restate a previous recommendation with a follow on that the Congress increase Federal resources for appropriately designed exercises to be implemented by State, local, private sector medical, and public health and emergency medical response entities.***

There is an urgent need to clarify the role and functions of the various Federal and State emergency response teams and the extent to which their roles will be coordinated at the Federal, State, and local levels. ***We recommend that DHHS clearly articulate the roles, missions, capabilities, and limitations of special response teams; that a plan be developed for the effective integration of such teams; and that focused training for special teams emphasize integration as well as coordination with States and localities.***

State and local officials require technical assistance from the Federal government to select among competing technologies, develop templates for communicating risks and information on actual events to the public, develop plans for surge capacity and pharmaceutical distribution, and provide adequate training to staff. ***We recommend that DHHS evaluate current processes for providing required technical assistance to States and localities, and implement changes to make the system more responsive.***

Some State public health officials are unclear about their role in assisting with planning for the staffing of hospital beds in the state and otherwise becoming involved in surge capacity issues. States are implementing a wide range of preparedness activities but have had little opportunity to share this information with colleagues in other States. ***We recommend that DHHS develop an electronic, continuously updated handbook on best practices in order to help States and localities more effectively manage surge capacity, the distribution of the National Pharmaceutical Stockpile, and other preparedness goals.***

In addition to the substantial research NIH is performing on prevention, treatment, and cures for bioterrorism agents, additional basic research and further research on the application of new technologies is urgently needed. ***We recommend that NIH, in collaboration with CDC, strengthen programs focusing on both basic medical research and applied public health research, including the application of new technologies or devices in public health; and that DHS and OHS, in cooperation, prioritize and coordinate research among NIAID, other NIH entities, and other agencies conducting or sponsoring medical and health research, including DoD, DOE, and USDA, to avoid unnecessary duplication.***

The Model Health Powers Emergency Act would give State authorities certain important powers in a public health emergency. ***We recommend that each State that has not done so either***

adopt the Model Health Powers Emergency Act, as modified to conform to any single State’s special requirements, or develop legislation of its own that accomplishes the same fundamental purposes; and work to operationalize laws and regulations that apply to CBRN incidents—naturally occurring, accidental or intentional, especially those that may require isolation, quarantine, emergency vaccination of large segments of the population, or other significant emergency authorities.

During investigations into potential bioterror events, there is often a conflict between the goals and operating procedures of health and medical officials on the one hand and public safety officials on the other. The Federal Health Insurance Portability and Accountability Act (HIPAA) is in part designed to keep information about patients confidential and defines narrowly the information and the circumstances under which that information can be released. *We recommend that the Congress clarify the conditions under which public health agencies, EMS, and hospitals can share information with law enforcement officials in special emergency circumstances under HIPAA. We further recommend, as a prerequisite for receiving Federal law enforcement and health and medical funds from the Federal government, that States and localities be required to develop comprehensive plans for legally appropriate cooperation between law enforcement and public health, EMS and hospital officials.*

The development of a clear Federal strategic communications strategy, in coordination with State and local medical, public health, and elected officials, is not evident. *We recommend that DHHS, in coordination with DHS, develop an on-going, well coordinated strategy for education of the public on the prevention, risks, signs, symptoms, treatments, and other important health and medical information before, during and after an attack or large-scale naturally occurring outbreak occurs.*

There is still a lot to learn about the most effective ways to treat people with mental or emotional problems following a terrorist attack. ***We recommend that DHHS, through the National Institute of Mental Health, and in collaboration with CDC, enhance funding for research into the prevention and treatment of the short and long-term psychological consequences of terrorist attacks.***

In-house health and medical expertise in the Intelligence Community is not sufficiently robust to provide for continuing strategic assessments of bioterrorism cause and effect. ***We recommend that the Intelligence Community improve its capacity for health and medical analysis by obtaining additional expertise in the medical and health implications of various terrorist threats.***

A number of States came up short in their cooperative agreement proposals with respect to their plans for National Pharmaceutical Stockpile receipt and distribution. Federal technical assistance is needed by State and local health officials to develop and exercise these plans. ***We recommend that DHHS significantly enhance technical assistance to States to help develop plans and procedures for distributing the NPS, continue to require exercises that demonstrate the States' ability to employ the NPS, and use specific metrics for evaluating States' capabilities.***

The timely research, development, production, and distribution of certain critical vaccines and other medical supplies continue to be perplexing problems. ***We recommend that DHHS, in collaboration with DHS and DoD, establish a national strategy for vaccine development for bioterrorism that will be consistent with the nation's needs for other vaccines.***

Recently, Federal health officials recommended a multiphase smallpox vaccination program for at-risk emergency medical personnel, with the Federal government assuming liability for adverse events related to vaccination. ***We recommend that the smallpox vaccination plan be implemented in incremental stages with careful analysis and continuous assessment of the risks of the vaccine. We further recommend that DHHS place a high priority on research for a safer smallpox vaccine.***

Defending Against Agricultural Terrorism

There is a lack of an overarching appreciation of the true threat to America's agriculture.

Without a broad threat assessment, it is difficult to prioritize resources to counter the terrorist threat.

We recommend that the President direct that the National Intelligence Council, in coordination with DHS, USDA and DHHS, perform a National Intelligence Estimate on the potential terrorist threat to agriculture and food.

The Animal Health Emergency Preparedness Plan provides a guide for comprehensive emergency management plans for the response to emergencies involving animals and the animal industry segment of production agriculture. The Emergency Support Function (ESF) in the Animal Health Emergency Preparedness Plan is not currently applicable to any ESF in the Federal Response Plan. ***We recommend that the Assistant to the President for Homeland Security ensure that an Emergency Support Function for Agriculture and Food, consistent with the intent of the ESF described in the Animal Health Emergency Preparedness Plan, be included in the Federal Response Plan and the National Incident Response Plan under development.***

There are only two existing civilian bio-safety level 4 (BSL 4) laboratories for working with and diagnosing the most hazardous animal pathogens. If a large-scale outbreak of a foreign animal disease occurs in the United States, these would provide insufficient capacity. Capabilities at the State level would increase the ability to detect foreign animal diseases early. ***We recommend that the President propose and that the Congress enact statutory provisions for the certification under rigid standards of additional laboratories to test for Foot and Mouth Disease and other highly dangerous animal pathogens.***

Without advance training, and the appropriate equipment and security in place prior to an outbreak, it is not likely that State veterinary labs will be adequately prepared to respond to a crisis.

We recommend that the Secretaries of Homeland Security and Agriculture (consistent with the November 2001 resolution of the United States Animal Health Association) jointly publish regulations implementing a program to train, equip, and support specially designated, equipped, secure, and geographically distributed veterinary diagnostic laboratories to perform tests and enhance surveillance for agricultural diseases that are foreign to the United States.

To encourage reporting of diseases and to ensure the stability of the agricultural sector, it is critical that a consistent scheme of national compensation is in place to provide financial assistance to producers and other agribusiness interests impacted by an animal disease outbreak. *We recommend that the Secretary of Agriculture, in consultation with State and local governments and the private sector, institute a standard system for fair compensation for agriculture and food losses following an agroterrorism attack; and that the Secretary of Health and Human Services should develop a parallel system for non-meat or poultry food.*

There are not enough appropriately trained veterinarians capable of recognizing and treating exotic livestock diseases in the United States. Other types of expertise required for dealing with agricultural diseases are lacking. *We recommend that the Secretary of Agriculture develop and that the Congress fund programs to improve higher education in veterinary medicine to include focused training on intentional attacks, and to provide additional incentives for professional tracks in that discipline. We further recommend that the Secretary of Agriculture, in coordination with States, improve education, training, and exercises between government and the agricultural private sector, for better understanding the agroterrorism threat, and for the identification and treatment of intentional introduction of animal diseases and other agricultural attacks.*

Improving the Protection of Our Critical Infrastructure

Physical and cyber infrastructure protection contains many very sensitive issues of great importance about which objective research and proposals are very difficult to conduct and develop within the political process. We have modified the recommendation in our *Third Report* to cover all infrastructures, both physical and cyber. ***We recommend that the Congress establish and that the President support an Independent Commission to suggest strategies for the protection of the nation's critical infrastructures.***

The lack of a comprehensive assessment of threats to U.S. infrastructures significantly hampers defensive measures and preparedness activities. ***We recommend that the President direct that the National Intelligence Council perform a comprehensive National Intelligence Estimate on the threats to the nation's critical infrastructure.***

The continuing bifurcation of policy for the physical and cyber components of CIP has created confusion and resulted in less than effective policy formulation. ***We recommend that the President direct the merger of physical and cyber security policy development into a single policy entity in the White House.***

Progress in meeting airline passenger baggage-screening goals has been slow, and no screening technology will ever be foolproof. Perhaps equally important is the fact that much of the non-passenger cargo on commercial passenger aircraft is not being screened. ***We recommend that DHS elevate the priority of measures necessary for baggage and cargo screening on commercial passenger aircraft, especially non-passenger cargo.***

The security of general aviation aircraft and facilities is thin, where it exists at all. ***We recommend that that DHS, in conjunction with the airline industry, develop comprehensive guidelines for improving the security of general aviation.***

Hydroelectric and other dams on various watercourses present a significant hazard if terrorists find ways to exploit their controls. *We recommend that DHS make dam security a priority and consider establishing regulations for more effective security of dam facilities.*

One of the critical shortcomings in structuring programs and securing funds to protect critical infrastructures is the lack of risk-based models and metrics that help explain the value of protective measures in terms that public and private sector decision makers understand. *We recommend that DHS use the NISAC modeling and analytic capabilities to develop metrics for describing infrastructure security in meaningful terms, and to determine the adequacy of preparedness of various critical infrastructure components.*

***Establishing Appropriate Structures, Roles, and Missions for the
Department of Defense***

NORTHCOM is in a transitional phase between initial operational capability and full operational capability. In its initial structure, NORTHCOM has few permanently assigned forces, and most of them serve as part of its homeland security command structure. The creation of NORTHCOM is an important step toward enhanced civil-military integration for homeland security planning and operations, and could result in an enhancement of homeland security response capabilities. *We recommend that the Secretary of Defense clarify the NORTHCOM mission to ensure that the Command is developing plans across the full spectrum of potential activities to provide military support to civil authorities, including circumstances when other national assets are fully engaged or otherwise unable to respond, or when the mission requires additional or different military support. NORTHCOM should plan and train for such missions accordingly.*

In our *Third Report*, we recommended that a unified command be created “to execute all functions for providing military support or assistance to civil authorities”—an all-hazards approach. The Advisory Panel is pleased that NORTHCOM will apparently execute *most* of these functions, and

further *we recommend that the NORTHCOM combatant commander have, at a minimum, operational control of all Federal military forces engaged in missions within the command's area of responsibility for support to civil authorities.*

To achieve that clarity, the laws governing domestic use of the military should be consolidated and the Federal government should publish a document that clearly explains these laws. *We recommend that the President and the Congress amend existing statutes to ensure that sufficient authorities and safeguards exist for use of the military across the entire spectrum of potential terrorist attacks (including conventional, chemical, biological, radiological, and nuclear threats as well as cyber); that the authorities be consolidated in a single chapter of Title 10; and that DoD prepare a legal "handbook" to ensure that military and civilian authorities better understand the legal authorities governing the use of the military domestically in support of civilian authorities for all hazards—natural and manmade.*

No process is clearly in place to identify among the full scope of requirements for military support to civil authorities. *We recommend that the President direct the DHS to coordinate a comprehensive effort among DoD (including NORTHCOM) and Federal, State, and local authorities to identify the types and levels of Federal support, including military support, that may be required to assist civil authorities in homeland security efforts and to articulate those requirements in the National Incident Response Plan*

Insufficient attention has been devoted to planning and conducting military training specifically for the civil support mission. *We recommend that the Secretary of Defense direct that all military personnel and units under NORTHCOM, or designated for NORTHCOM use in any contingency, receive special training for domestic missions. Furthermore, in those cases where military*

personnel support civil law enforcement, special training programs should be established and executed.

There is a question about whether NORTHCOM's commander "combatant command" (COCOM) relationship with the various service component commands is only for the purpose of unity of *homeland defense* authority and responsibility or applies more broadly to all *homeland security* missions, including NORTHCOM's civil support mission. Thus, at this writing, the extent to which the new command will be able to direct new and expanded civil support training and exercises remains unclear. *We recommend that the Secretary of Defense clarify NORTHCOM's combatant command authority to ensure that Commander NORTHCOM can direct subordinate commands to conduct pre-incident planning, training, and exercising of forces required to conduct civil support missions.*

Rapid response-type capabilities should arguably be tailored to deal with homeland terrorist events that overwhelm State and local capabilities. *We recommend that the Combatant Commander, NORTHCOM, have dedicated, rapid-reaction units with a wide range of response capabilities such as an ability to support implementation of a quarantine, support crowd control activities, provide CBRNE detection and decontamination, provide emergency medical response, perform engineering, and provide communication support to and among the leadership of civil authorities in the event of a terrorist attack.*

States may have difficulty funding homeland security training and operations of the National Guard in State Active Duty status, especially if their missions are conducted for extended periods. Commanders are not clearly authorized under Title 32 to expend Federal funds for training for civil support tasks. *We recommend that the Congress expressly authorize the Secretary of Defense to provide funds to the governor of a State when such funds are requested for civil support planning, training, exercising and operations by National Guard personnel acting in Title 32 duty status and*

that the Secretary of Defense collaborate with State governors to develop agreed lists of National Guard civil support activities for which the Defense Department will provide funds.

The States' existing National Guard military support arrangements must be enhanced to provide for more effective response capabilities in Title 32 duty status. ***We recommend that the President and governors of the several States establish a collaborative process for deploying National Guard forces in Title 32 duty status to support missions of national significance at the President's request; and that the Congress provide new authority under Title 32 to employ the National Guard (in non-Title 10 status) on a multi-State basis, and with governors' consent to conduct homeland security missions, and that the Secretary of Defense define clearly the appropriate command relationships between DoD and the National Guard. We further recommend that the Congress and DoD promote and support the development of a system for National Guard civil support activities that can deploy forces regionally--in coordination with DoD--to respond to incidents that overwhelm the resources of an individual State.***

Further enhancement of the National Guard's civil support capability and responsibility is necessary. In the *Third Report* we recommended "that the Secretary of Defense ... direct that National Guard units with priority homeland security missions plan, train, and exercise with State and local agencies," be expanded. ***We now recommend that the Secretary of Defense direct that certain National Guard units be trained for and assigned homeland security missions as their exclusive missions (rather than primary missions as stated in our Third Report) and provide resources consistent with the designated priority of their homeland missions.***

Status of Our Recommendations

Mr. Chairman and Members, I can tell you that, according to our most recent count, of the 79 major policy recommendations made by the Advisory Panel in its first three reports, 64 have now been

adopted in whole or in major part. Having said that, there are others that continue to need to be addressed, and some that could still use additional resources or policy direction.

Conclusion

The Advisory Panel will continue to be relentless in pursuing appropriate solutions to these difficult issues, even if our recommendations are controversial and cross some “turf” boundaries. We will always—always—consider as an overarching concern the impact of any legal, policy, or process changes on our civil rights and liberties. Our Constitution, our laws, our judicial system, our culture, our history all combine to make our way of life unique in all the world.

Thank you again for this opportunity.